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**JAN BREWER**  
SECRETARY OF STATE  
STATE OF ARIZONA

December 30, 2005

The Honorable Janice K. Brewer  
Arizona Secretary of State  
1700 West Washington, 7th Floor  
Phoenix, Arizona 85007

Dear Secretary Brewer:

I am pleased to present the final report of your Recount & Contested Election Law Advisory Committee.

The Committee has spent the past several months performing a comprehensive review of Arizona's recount and contested election laws and procedures as set forth in the Brewer Voting Action Plan. The report contains a series of findings and recommendations that the Committee believes will greatly improve our election procedures.

On behalf of the Committee, thank you for the opportunity to help improve our elections in Arizona.

Sincerely,

Kevin Tyne  
Deputy Secretary of State

cc: Joseph Kanefield, State Election Director  
Mitch Etter, Maricopa County Assistant Director of Elections  
Patty Hansen, Coconino County Director of Elections  
Lisa Hauser, Attorney at Law, Gammage & Burnham  
Mary Jo Kief, City Clerk, City of Peoria  
Dixie Mundy, Gila County Director of Elections

# **IMPROVING ARIZONA'S RECOUNT AND ELECTION CONTEST LAWS**

## **REPORT OF SECRETARY OF STATE JANICE K. BREWER'S RECOUNT & CONTESTED ELECTION LAW ADVISORY COMMITTEE\***

December 30, 2005

### **I. INTRODUCTION**

On May 3, 2005, Arizona Secretary of State Jan Brewer issued her Brewer Voting Action Plan (BVAP) setting forth a series of recommendations to improve the election process in Arizona and address voting security.<sup>1</sup> One of the Plan's recommendations is to review and strengthen the laws, policies, and procedures concerning recounts and contested elections.

In accordance with BVAP, Secretary Brewer appointed a Recount and Contested Elections Law Review Advisory Committee to perform a comprehensive review of recounts and contested elections by evaluating the current laws and procedures, recent studies, best practices from other states, and other relevant material. This report sets forth the Advisory Committee's findings and recommendations.

The Arizona statutes establishing recount and contest procedures have been in existence for decades. The voting equipment technology has changed significantly since many of these statutes first became law. The Advisory Committee conducted a comprehensive review of these statutes in light of the election process and technology currently in use today.

The Advisory Committee determined that there are several changes that will help improve recount and contested election proceedings, policies and procedures. More specifically, the Committee recommends the following changes be made to Arizona's recount and election contest laws to update and improve the process and to take into consideration current and future voting equipment technology:

- Move the Primary Election back four weeks.
- Adjust statutory dates that are triggered off the Primary Election.
- Establish a mid-June election-year filing date for independent candidates.
- Calculate nomination petition signature requirements based on the January 1 election-year voter registration numbers.
- Provide in law a uniform and secure way to store and handle ballots following an election.
- Establish procedures for memory card storage and handling.
- Allow ballots to be stored after an election with the officer in charge of elections rather than the Treasurer's vault.
- Require recounts to be performed on the same equipment as the initial tabulation.
- Permit voters to verify their ballot choices using a paper receipt generated by an electronic vote-tabulating machine before casting an electronic ballot.

- Prohibit a voter verifiable paper receipt generated by an electronic vote tabulating machine from being used in a recount unless a court determines it would be “impracticable” to conduct the recount in the same manner as the initial tabulation.
- Define “impracticability” to include only emergency situations.
- Require logic and accuracy testing of voting equipment prior to automatic recounts.
- Permit the Secretary of State to delegate her recount oversight responsibilities to the county officer in charge of elections in the event of a statewide recount.
- Allow in law for a recount to be ordered by a court during a contest proceeding if the court determines it is necessary to resolve the matter.

These are changes that the Advisory Committee recognized could be immediately addressed to improve the recount and contested election proceedings. The Committee, however, believes that these laws and procedures should continue to be reviewed and improved if it is shown to be necessary.

## **II. COMMITTEE MEMBERS**

Secretary Brewer appointed the Advisory Committee members on June 8, 2005. The members are as follows:

Kevin Tyne, Deputy Secretary of State  
 Joseph Kanefield, State Election Director  
 Mitch Etter, Maricopa County Assistant Director of Elections  
 Patty Hansen, Coconino County Director of Elections  
 Lisa Hauser, Attorney at Law, Gammage & Burnham  
 Mary Jo Kief, City Clerk, City of Peoria  
 Dixie Mundy, Gila County Director of Elections

## **III. ARIZONA RECOUNT AND CONTESTED ELECTION LAWS**

### **Arizona Recount History**

Arizona’s recount laws have been on the books in one form or another since at least 1925<sup>2</sup>. Various amendments have been made to these laws over the years, with the most recent occurring in 2004.<sup>3</sup>

The largest recount in state history took place in 1994 during the Democratic primary for United States Senate.<sup>4</sup> Sam Coppersmith led Dick Mahoney by 99 votes (81,762 to 81,663) after the initial count. After the recount was complete, Sam Coppersmith ended up winning by 59 votes.<sup>5</sup>

Several other recounts have occurred in legislative races. In 1992, Richard Kyle and John Gaylord (now Judge Gaylord) tied after the initial tabulation in the Republican Primary for the Arizona House of Representatives in District 6. A tie still resulted after the recount and the race was decided by a game of chance. Kyle and Gaylord agreed to play a hand of poker and Kyle won with a pair of sevens.<sup>6</sup>

In 1994, a recount took place in the District 27 Republican Primary Election for the Arizona House of Representatives between Mike Gardner and John MacDonald. Mike Gardner kept his 32-vote lead over MacDonald.<sup>7</sup> In 1996, Sue Gerard led Jerry Harris by 32 votes after the initial tabulation in the Republican Party primary. Gerard won by 33 votes after the recount.<sup>8</sup>

The most recent recount of a legislative race occurred in 2004, in the Republican Party Primary Election for the House of Representatives in District 20. A recount was triggered in that race when the initial count yielded a four-vote margin between Anton Orlich and John McComish. Orlich finished second with 5,533 votes and McComish finished a close third with 5,529 votes.<sup>9</sup> After the recount, McComish overtook Orlich to win by 13 votes. The final recount was McComish: 5,633, Orlich: 5,620.<sup>10</sup>

Serious questions were raised during the subsequent contest proceedings following the District 20 recount, including allegations that the ballots were mishandled and the tabulation equipment malfunctioned. The court ultimately ordered the recount results to be the final tabulation and no appeal of that decision was filed.<sup>11</sup>

### **Arizona Recount Law**

The recount laws and procedures are defined in statute. The right to a recount and contest of an election is based in law and the granting of such right lies within the discretion of the legislature.<sup>12</sup> Arizona's recount laws are set forth in the Arizona Revised Statutes, Title 16, Chapter 4, Article 12.<sup>13</sup>

According to A.R.S. § 16-661, a recount in Arizona can be triggered in one of two situations. The first occurs when the votes dividing the candidates or ballot measures is less than one tenth of one percent of the number of votes cast for both. The second occurs if the votes dividing the top candidates or ballot measures falls below a certain number of votes determined according to the office, or the number of votes cast. The lower of the two numbers will trigger a recount.

For candidates, an automatic recount is required when the margin between the two candidates with the greatest number of votes for a particular office is either less than one tenth of one percent or does not exceed 200 votes for statewide offices, fifty votes for the state legislature, or ten votes for city or county offices.<sup>14</sup>

For initiatives, referendums or proposals to amend the constitution where the total number of votes cast is more than 25,000, an automatic recount is required if the margin is either less than one tenth of one percent or does not exceed 200 votes.<sup>15</sup> If the total number of votes cast is less than 25,000, an automatic recount is required if the margin is either less than one tenth of one percent or does not exceed 50 votes.<sup>16</sup>

An automatic recount will often be triggered by a vote margin of less than one tenth of one percent for legislative and smaller races. This happens because in most elections, one tenth

of one percent of the total votes cast for the top two candidates is a significantly smaller number than the specified number of votes set forth in the statute.

For larger statewide offices, however, a recount will most likely be triggered if the vote difference is 200 or less between the top two candidates. In these races, the number 200 will usually be less than one tenth of one percent because of the large number of votes cast for these offices. The following chart illustrates when a recount will be triggered for the noted offices based on the total votes cast:

	<b>16-61(A)(1)</b>	<b>16-661(A)(2)</b>	<b>16-661(A)(3)</b>	<b>16-661(A)(4)</b>	<b>16-661(A)(5)</b>	<b>16-661(A)(6)</b>
# Votes	.01 of 1% of votes	200 Votes if state office and more than 25,000 votes	50 Votes if state office and less than 25,000 votes	Initiated measure or amendment to const.	Member of the legislature	City, Town, County elector
5000	5		50	200	50	10
10000	10		50	200	50	10
20000	20		50	200	50	10
25000	25	200		200	50	10
50000	50	200		200	50	10
100000	100	200		200	50	10
200000	200	200		200	50	10
1000000	1000	200		200	50	10
2000000	2000	200		200	50	10

For example, in the 2004 District 20 Republican primary for the Arizona House of Representatives, an automatic recount was triggered when the initial count yielded a four-vote margin out of a total of 11,062 votes. A legislative race with this amount of votes will trigger a recount based on the one tenth of one percent calculation because that number is significantly less than 50. When calculated, one tenth of one percent of 11,062 votes equals eleven votes. Had the margin been higher than eleven, an automatic recount would not have occurred.

For state primary, general, and special elections, the automatic tabulating system is furnished and programmed under the supervision of the Secretary of State.<sup>17</sup> This is done so that the machine can be reprogrammed to only recount the race at issue. For elections other than for the office of supervisor, the Secretary of State may designate the county board of supervisors to perform her duties.<sup>18</sup> If the Secretary of State's election is contested, the recount will be ordered, furnished and programmed on an automatic tabulating system under the Governor's supervision.<sup>19</sup>

### **Arizona Contest Law**

In Arizona, any voter may challenge a nomination or election, regardless of political party registration.<sup>20</sup> Similar to recount law, election contests are purely statutory and dependent upon statutory provisions for their conduct.<sup>21</sup>

A contest can be filed for the election of a person nominated or elected to United States congressional seats; state, county, city, town or political subdivision office (primary and general elections); an initiated or referred measure; an amendment to the Arizona Constitution or any other question or proposal submitted to the vote of the people.<sup>22</sup> Arizona legislative elections are not covered under the same contest statutes. The legislature chooses its own officers, judges the election and qualification of its own members and determines its own rules of procedure.<sup>23</sup>

The grounds for a contest according to Arizona statute are: (1) misconduct on the part of election officials, (2) ineligibility of the person elected, (3) an offense committed against the elective franchise; (4) bribery of an election official or judge, (5) illegal votes and (6) erroneous count of votes.<sup>24</sup>

Contests may be brought in the superior court of the county in which the person contesting resides or in the Superior Court of Maricopa County. The Attorney General may change the trial location to Maricopa County in the case of a contest of a state elected office, measure, amendment or other question or proposal.<sup>25</sup> A contest must be filed within five days of the completion of the canvass of the election and the Secretary of State has declared the results.<sup>26</sup>

A hearing will take place no later than ten days after the date in which the statement of contest was filed. Within five days of the completion of the hearing, the court is required to file its findings and immediately thereafter pronounce judgment either confirming the election or annulling and setting it aside.<sup>27</sup>

If the contest results show that a person other than the contestee has the highest number of legal votes, the court shall declare that person elected. It also declares that the certificate of election of the person whose office is contested no longer carries the legal force of that office.<sup>28</sup>

Although recount and contested proceedings are separate, they can be combined according to Arizona law. A.R.S. § 16-667 provides that upon initiation of a contest action, a proceeding begun under the recount statute "abates". In practice, the courts have typically consolidated the recount and contest actions into a single case. Moreover, courts have ordered recounts in contest actions, when deemed appropriate, even when the automatic recount procedure was not triggered.

### **III. ISSUES IDENTIFIED**

During the course of its deliberations the Committee identified several issues with regard to Arizona's recount and contest laws. What follows is a discussion of these issues and proposed changes that the Committee believes will help improve recount and contested election proceedings, policies and procedures.

#### **A. Primary Election Date**

The eight-week period between Arizona's Primary and General Elections has proven to be a challenge for our state and county election administrators. The Committee identified

Arizona's late Primary Election date as the crucial issue with respect to the recount and contest proceedings because it greatly compresses the time in which both are to be conducted.

Our State's Primary Election occurs "on the eighth Tuesday prior to a general or special election at which candidates for public office are to be elected".<sup>29</sup> The General Election in which statewide, legislative and federal candidates appear on the ballot occurs "on the first Tuesday after the first Monday in November of every even-numbered year", making the Primary Election the second Tuesday in September.<sup>30</sup>

The time necessary to tabulate ballots and canvass the Primary Election runs into the deadline for printing early ballots for the General Election. Although our election officials have seamlessly made this transition for many election cycles, the short period between elections proved to be problematic during the 2004 recount and election contest of the legislative District 20 primary for the Arizona House of Representatives.

An automatic recount was triggered in the race and a contested election followed the recount. The candidate who led after the first count but not after the recount filed an election contest.<sup>31</sup> Several issues were raised during the court hearing but because of the looming ballot printing deadline, the parties agreed to present their cases in one day and abide by the court's ruling with no option for appeal.

Had one of the parties wished to appeal there would not have been enough time. If an appeal was filed, it would have been rendered moot because the ballots for the General Election would have already gone to print.<sup>32</sup> Having additional time would have allowed the issues to be more fully addressed during the recount/contest proceedings and provided an appeal option for the non-prevailing party.

Closing out the Primary Election and preparing for the General Election is very demanding on Election Officials. The pressures can lead to mistakes during the General Election. For example, early voting requests for the General Election begins ninety-three days before the election.<sup>33</sup> Election Officials are receiving requests for both Primary and General Election early ballots at the same time. A voter may request an early ballot only for the General Election, but receive an early ballot for the Primary Election. There are also concerns that military and overseas ballots may not be delivered, completed and received back at the counties in time to be counted.

Other states with primaries similar to Arizona's have moved or proposed moving the date earlier.<sup>34</sup> This year Nevada's Governor signed Assembly Bill 455, changing the Primary Election to the "twelfth Tuesday before the General Election", moving Nevada's Primary from September to August, effective October 1, 2005.<sup>35</sup> This bill was enacted in order to give the county election boards more time to get ready for the General Election. The introduced version of the bill (AB 455) called for the primary to be held in June. This would have interfered with the candidate-filing deadline so the twelfth Tuesday before the General Election was agreed upon.<sup>36</sup>

On November 24, 2004, following the statewide recount of the race for Governor, Washington Secretary of State Sam Reed, announced his intention to seek legislation to move the Primary Election from September. In his press release dated November 24, 2004, he said:

Washington currently holds the latest primary in the nation leaving election administrators with little time to prepare for the General Election. A primary scheduled earlier in the year would allow election workers to mail out absentee ballots for the General Election sooner to our voters overseas and around the world.

Secretary Reed went on to say, “[w]ith a September primary, we are simply begging for a train wreck... [h]ad a race [as tight as the general election race for Governor] occurred back in September, it would have been impossible for election workers to print ballots in time for the November General Election”.<sup>37</sup> While Washington has not yet changed its primary date, there is legislation pending that would move this date back.<sup>38</sup>

Hawaii also has two bills currently pending that would push the primary back from the second to last Saturday in September to the second Saturday of August.<sup>39</sup> There are also bills pending in Minnesota to move their primary from September to June.

The Advisory Committee recommends that the Primary Election be moved four weeks earlier. These additional four weeks will allow sufficient time for the election administrators to properly finish the post-Primary Election duties and allow enough time to prepare for the General Election. Moreover, moving the primary four weeks earlier will also permit candidates involved in post-election recount or contest proceedings sufficient time to have their cases reviewed by the courts.

It is important to note that moving the Primary Election date will affect several other election tasks and dates that are triggered off the Primary Election. The Appendix contains an election calendar with all of the critical dates that would also have to be moved if Arizona’s Primary Election is moved earlier in the election cycle. This calendar assumes the Primary Election is moved back four weeks or the “*twelfth* Tuesday prior to a general or special election at which candidates for public office are to be elected”.

One date that is tied to the Primary Election that should not be changed is the filing deadline for independent candidates. This deadline is set forth in A.R.S. § 16-341, and imposes the same filing deadline for these candidates as that set forth in A.R.S. § 16-311 for partisan candidates. The Arizona Supreme Court upheld this deadline in *Browne v. Bayless*.<sup>40</sup> The challengers in that case argued that Arizona’s filing deadline for independent candidates is too early. Although the court upheld the date, moving it back four weeks could put the new date at risk of being challenged once again and possibly struck down based on the court’s reasoning in *Browne*. Consequently, the Advisory Committee recommends that the filing deadline for independent candidates remain in June of the election year.

Finally, if the primary is moved earlier, it is also recommended that the date upon which signature requirements for candidates are calculated be moved earlier in the year. Currently, the March 1 election-year voter registration statistics are used to calculate the signature requirements



for candidates.<sup>41</sup> Because it takes several weeks for the counties and the Secretary of State to compile these voter registration statistics and calculate the signature requirements, it can be as late as April before these numbers are known. Also, participating candidates under the Citizens Clean Elections Act may file their nomination petitions with the Secretary of State's Office after January 1 of the election year.<sup>42</sup> Moving the signature calculation period earlier will provide these candidates more advanced notice of the legal requirements.

Consequently, in the interest of providing candidates as much certainty as possible before the Primary Election, it is recommended that A.R.S. § 16-322(B) be amended to calculate the signature requirements based on the January 1 voter registration numbers.

**Recommendations:**

- Move the Primary Election back four weeks by amending A.R.S. 16-201 to read: "On the *twelfth* Tuesday prior to a general or special election at which candidates for public office are to be elected, a Primary Election shall be held."
- Revise other dates in statute that are dependent on the Primary Election Date.
- Amend A.R.S. § 16-341 to keep filing date for independent candidates in June of the election year.
- Amend A.R.S. § 16-322(B) to calculate the nomination petition signature requirements based on the January 1 election-year voter registration numbers.

## **B. Ballot Storage**

The statutes and procedures set forth how ballots are handled after an election. Section 16-624 of the Arizona Revised Statutes provides that the officer in charge of elections shall deposit the package or envelope containing the ballots in the safe of the county treasurer, who shall keep it unopened and unaltered for 24 months for elections for a federal office or for six months for all other elections. If a recount is ordered or a contest is brought within six months, the county treasurer may be ordered to deliver the packages or envelopes containing the ballots to the court.<sup>43</sup>

The Secretary of State's Procedures Manual, however, provides that the ballots shall be sealed in containers or a room until the end of the challenge period or if a challenge has been filed, until the challenge has been resolved, and the ballots have been released to the custody of the officer in charge of elections.<sup>44</sup>

Because of the number of ballots cast in many of our elections, there is simply not enough room to store ballots in the County Treasurers' vaults. Moreover, because the time period following an election through the challenge period is often short, the ballots should be secured at each county tabulating location until the challenge period is over. Finally, the handling and transportation of the ballots during the critical time period should be kept to a minimum to assure that the ballots do not become damaged or lost.

The Advisory Committee recommends that A.R.S. § 16-664 and the Procedures Manual be amended to provide for a uniform and secure approach to handling and storing the ballots during the period following the election to the end of the challenge period. Specific provisions should be drafted to address how ballots that are secured in memory cards on accessible voting devices should be handled and stored. The provisions should allow for the secure storage of the ballots by the officer in charge of elections rather than with the County Treasurer.

### **Recommendations**

- Amend A.R.S. §16-664 and the Procedures Manual to allow for a uniform, secure way to store and handle ballots following an election.
- Draft specific provisions to address memory card storage and handling.
- Draft provision allowing ballots to be stored with the officer in charge of elections.

### **C. Manual Recounts**

The primary issues concerning manual recounts include the time needed to conduct them, physical space needs, the need for uniform guidelines and, most importantly, human error that may occur from the physical demand on election officials who must work under intense time restrictions. For these reasons, the Advisory Committee recommends against manual recounts in Arizona except in limited emergency circumstances as defined in law.

If an automatic recount is triggered, Arizona law requires that the recount be conducted on the same automatic tabulating system used during the initial count with a new program.<sup>45</sup> Generally speaking, manual recounts are not permitted in Arizona.<sup>46</sup> The only exception is set forth in A.R.S. § 16-621(B), which allows the officer in charge of elections to direct that the ballots be “counted manually” if “for any reason it becomes impracticable to count all or part of the ballots with tabulating equipment.” The Committee addressed the issue of whether manual recounts should be permitted under any circumstances.

Manual recounts introduce a level of uncertainty into the tabulation process by creating two different standards for counting a vote when ballots are cast on certain types of voting equipment. If the instructions to voters on how to cast their ballots are clear, voters who do not follow the instructions will not have their votes counted. If, for example, a vote is cast on an optical scan ballot and the voter circles the candidate’s name or the oval next to a candidate’s name rather than filling in the oval then the vote will not be counted by the optical scan equipment.<sup>47</sup> In a manual count, however, the question will be raised whether the vote should be tabulated because the voter intended to vote for the candidate but simply failed to follow instructions. Without clear standards two different results could be reached between the initial and manual recount of the votes.

In addition, a recent study conducted by Caltech/MIT titled “Using Recounts to Measure the Accuracy of Vote Tabulations,” published in January of 2004 established that machines are more accurate than hand counts when counting votes. The study concluded that, “[h]istorically, there is about a 1 percent difference between initial counts and recounts when ballots are tabulated by hand. The discrepancy between initial counts and recounts falls to about .5 percent with the optically scanned ballots.” All fifteen counties in Arizona use optical scan technology as their primary voting method.

The issue of manual recounts also arises when newer electronic voting technology is taken into consideration. In accordance with the federal Help America Vote Act, Arizona must acquire an accessible voting device for use in every polling place prior to the 2006 federal elections. In 2004, the Arizona Legislature extended this same requirement to cities and towns with populations of greater than 20,000 citizens.<sup>48</sup> Moreover, in 2005 the Arizona Legislature passed a law that requires all voting systems in Arizona to produce a paper ballot or document.<sup>49</sup> The machines purchased to satisfy these requirements may tabulate ballots electronically while also printing a paper receipt that a voter can use to visually verify his or her selections before voting the ballot electronically. Specific procedures for conducting recounts on this type of voting equipment will be necessary.

For optical scan voting systems, the system currently used in every county, the ballot serves as the required paper trail. For the new accessible voting systems, however, the paper artifact cannot be considered the ballot under law and therefore may not be used during the recount process. Even if this paper printout could be used, it would be susceptible to human errors during the recount process for the reasons previously discussed. If the equipment purchased tabulates ballots electronically such as a touch screen (direct recording electronic) device, then the recount laws should be amended to address situations where the device is unable to automatically recount the ballots.

To allow for an appropriate contingency in the unlikely event that an electronic voting machine fails, the Advisory Committee believes it would be prudent to amend Arizona's recount law to permit a court to order a manual recount of the paper receipt but only in the event that the court determines it would be "impracticable" to conduct the recount on the same equipment in accordance with the current law.

The standard for determining impracticability should be clearly set forth in law and should include only those emergency situations where the equipment is incapable of recounting the votes under any circumstances. The Committee believes this strikes an appropriate balance between the current recount policies, while also addressing a potential contingency that could arise with electronic voting equipment.

### **Recommendations**

- All recounts should be performed on the same equipment as the initial tabulation.
- The voters to verify their ballot choices before they cast their electronic ballots may use a paper receipt generated by an electronic vote-tabulating machine.
- A voter verifiable paper receipt generated by an electronic vote tabulating machine shall not be used in a recount unless a court determines it would be "impracticable" to conduct the recount in the same manner as the initial tabulation.
- "Impracticability" should be clearly defined to include only emergency situations.

## **D. Equipment Testing**

The Committee discussed the need for equipment testing prior to a recount. It was determined that the statutes should be amended to require logic and accuracy testing of the voting equipment by the officer in charge of elections prior to conducting a recount.

By law the automatic tabulating equipment and programs must be tested prior to election day to ascertain that the equipment and programs will correctly count the votes cast for all offices and on all measures.<sup>50</sup> The test is publicly noticed and is conducted by processing a group of pre-marked ballots.<sup>51</sup> There is currently no requirement in law to test the voting equipment prior to a recount.

To ensure the integrity of the recount process, the Committee recommends that logic and accuracy testing of voting equipment be conducted whenever an automatic recount is triggered by statute. This will permit any issue identified with the machines to be addressed prior to the recount. In the event of a statewide recount the Secretary of State should be permitted to delegate her authority over the logic and accuracy proceedings to the county officer in charge of elections because of the limited time available to conduct the recount.

### **Recommendations:**

- Require logic and accuracy testing of voting equipment prior to automatic recounts.
- Permit the Secretary of State to delegate her recount oversight responsibilities to the county officer in charge of elections in the event of a statewide recount.

## **E. Contested Elections & Recounts**

Arizona law does not permit a candidate or anyone else to request a recount. Many states, however, allow this as an option and therefore the Advisory Committee studied whether a similar optional recount system should be allowed in Arizona. The Committee concluded that an optional recount should be permitted if raised during a contest proceeding and deemed necessary by a court to resolve the matter.

The Committee discussed allowing candidates to request a recount outside of a contest proceeding but concluded that the current system adequately addresses situations where a recount is necessary. As discussed on pages 2-3 of this report, the statutory triggers for conducting an automatic recount under law have brought about many recounts in Arizona elections at all levels. Thus, between the automatic recount triggers in statute and the Committee's proposal to permit a recount in a contested election proceeding, the right to a recount should always be available when appropriate.

One factor that weighed in the Committee's recommendation with regard to optional recounts is the expense of conducting a recount. In Arizona, the expenses incurred for recounts in statewide elections are charged to the State.<sup>52</sup> Those incurred for county elections are charged to the county and city or town election recount expenses are charged to the city or town.<sup>53</sup> In most states the expense of an optional recount is borne by the candidate who asks for the recount. This expense could be a serious burden and it raises significant issues for statewide and legislative candidates in Arizona who run their campaigns with funds obtained from the Citizens Clean Elections Commission. Most campaigns would have exhausted the bulk of their funds by the end of the election and may be prohibited from soliciting contributions or using personal monies to pay for the cost of the recount under the Citizens Clean Elections Act.<sup>54</sup>

Although not expressly provided for in law, the courts have ordered recounts during contest proceedings in the past. There, however, is no specific provision in law for this procedure. Therefore the Committee recommends that the contest laws be amended to explicitly say that the court may order a recount if the court determines it is necessary to resolve the matter. This would assure that a court could order a recount during a contest proceeding if the court deemed it appropriate. Moreover, it would expressly allow recounts to be conducted in certain jurisdictional races where an automatic recount is currently prohibited in law.<sup>55</sup>

### **Recommendations**

- Keep existing recount triggers in place.
- Amend contest laws to expressly allow a recount to be ordered during a contest proceeding if a court deems it necessary to resolve the matter.

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\* The Advisory Committee would like to thank Craig Stender, Mary Fontes, Liz Atkinson, and the Secretary of State's graduate student interns Nicole Gonzales, Jacob Shuler, Lauren Cochran and Liz Tuttle for their assistance and research in developing this report.

<sup>1</sup> The Brewer Voting Action Plan can be found at <[www.azsos.gov/election/Brewer\\_Voting\\_Action\\_Plan](http://www.azsos.gov/election/Brewer_Voting_Action_Plan)>.

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- <sup>2</sup> Laws 1925, Ch. 20 (requiring recount when vote margin between two candidates does not exceed .01 of 1%).
- <sup>3</sup> See Laws 1972, Ch. 218; Laws 1979, Ch. 209; Laws 1986, Ch. 376; Laws 1987, Ch. 231; Laws 1993, Ch. 98; Laws 2004, Ch. 233; Laws 2004, Ch. 132.
- <sup>4</sup> Fiscus, Chris. "Coppersmith Inches Closer to Win, Mahoney Down 103 Votes with 2,000 Ballots to Count." The Phoenix Gazette. September 16, 1994. Page B1.
- <sup>5</sup> Muhler, Bill. "Coppersmith Wins Recount by 59 Votes, "Landslide Sam" Now Ready for Kyl." The Arizona Republic. October 1, 1994. Page A1.
- <sup>6</sup> Padgett, Mike. "Winning Hand, Poker-Faced Candidates Decided Election With Turn Of The Cards." The Phoenix Gazette. September 30, 1992. Page B1.
- <sup>7</sup> Staff. "Vote Recount Settles District 27 GOP Primary." The Phoenix Gazette. September 29, 1994. Page B2.
- <sup>8</sup> Van Der Werf, Martin. "Gerard Ekes Out Victory in District 18 Race." The Arizona Republic. September 14, 1996. Page A1.
- <sup>9</sup> Kelley, Josh. "Count Gives Orlich 4-vote Lead Over McComish." The Arizona Republic. September 12, 2004. Page B5.
- <sup>10</sup> Lindsey, Nedra. "District 20 Recount Reverses Order: McComish Tops Orlich." The Arizona Republic. September 22, 2004. Page B5.
- <sup>11</sup> Lindsey, Nedra. "McComish's District 20<sup>th</sup> Place Finish Confirmed, Results are Certified by Judge in Superior Court." The Arizona Republic. September 24, 2004. Page B10.
- <sup>12</sup> *Barrera v. Superior Court*, 117 Ariz. 528, 529, 573 P.2d 928, 929 (App. 1977).
- <sup>13</sup> A.R.S. §§ 16-661 et seq.
- <sup>14</sup> A.R.S. § 16-661(A).
- <sup>15</sup> A.R.S. § 16-661(A)(1), (2) .
- <sup>16</sup> A.R.S. § 16-661(A).
- <sup>17</sup> A.R.S. § 16-664(A); see also A.R.S. § 16-445, which requires the counties to file with the Secretary of State a copy of each computer program used to tabulate the votes for any state, county, school district, special district, city or town election, including Primary Elections, two weeks before the election.
- <sup>18</sup> *Id.*
- <sup>19</sup> A.R.S. § 16-664(B).
- <sup>20</sup> A.R.S. § 16-672(A); *Archer v. Board of Supervisors of Pima County*, 166 Ariz. 106, 800 P.2d 972, 973 (1990).
- <sup>21</sup> *Fish v. Redeker*, 2 Ariz.App. 602, 604, 411 P.2d 40, 42 (1966).
- <sup>22</sup> A.R.S. § 16-672(A); *Harless v. Lockwood*, 85 Ariz. 97, 100, 332 P.2d 887, 889 (1958).
- <sup>23</sup> A.R.S. § 16-678; Ariz. Cont. art. IV, Part 2, § 8.
- <sup>24</sup> A.R.S. § 16-672(A).
- <sup>25</sup> A.R.S. § 16-672(B,C).
- <sup>26</sup> A.R.S. § 16-673(A).
- <sup>27</sup> A.R.S. § 16-676.
- <sup>28</sup> A.R.S. § 16-676(B,C).
- <sup>29</sup> A.R.S. § 16-201.
- <sup>30</sup> A.R.S. § 16-211.
- <sup>31</sup> Lindsey, Nedra. "District 20 Recount Reverses Order: McComish Tops Orlich." The Arizona Republic. September 22, 2004. Page B5.
- <sup>32</sup> *Korte v. Bayless*, 199 Ariz. 173, 174, 16 P.3d 200, 201 (2001) ("to avoid the problem of mootness, actions must be brought in sufficient time to allow the court to make a decision before absentee ballots must be printed.").
- <sup>33</sup> A.R.S. § 16-542(A).
- <sup>34</sup> In researching other states, 4% hold their Primary Election in March, 19% in May, 25% in June, 4% in July, 17% in August, 30% in September and 1% in November. No Primaries are scheduled in January, February, April, October, and December.
- <sup>35</sup> Nevada Assembly Bill 455, 2005.
- <sup>36</sup> Senate Committee on Legislative Operations and Elections, 73<sup>rd</sup> Session. 2-7 (May 5, 2005); Senate Committee on Legislative Operations and Elections, 73<sup>rd</sup> Session p. 11 (May 19, 2005).
- <sup>37</sup> See <www.secstate.wa.gov/pffice/osos\_news.aspx?I=ThQBA%2f%2frxeRnDpN7znzKpg%3d%3d>.
- <sup>38</sup> House Bill 2027 is currently pending in the Washington Legislature proposing to change Washington's September Primary to the third Tuesday in August.
- <sup>39</sup> HB 543, SB 652.

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<sup>40</sup> 200 Ariz. 261, 25 P.3d 749 (2001).

<sup>41</sup> A.R.S. § 16-322(B).

<sup>42</sup> A.R.S. § 16-951(B).

<sup>43</sup> A.R.S. § 16-624(D).

<sup>44</sup> Secretary of State's Electronic Voting System Instructions & Procedures Manual, October 2004, p. 122.

<sup>45</sup> A.R.S. § 16-664.

<sup>46</sup> See *Barrera v. Superior Court*, 117 Ariz. 528, 573 P.2d 928 (App. 1977).

<sup>47</sup> This type of error could not occur with touch screen voting equipment.

<sup>48</sup> A.R.S. § 16-442.01.

<sup>49</sup> Laws 2005, Ch.144 (adding A.R.S. § 16-446(B)(7)).

<sup>50</sup> A.R.S. § 16-449(A).

<sup>51</sup> *Id.*

<sup>52</sup> A.R.S. § 16-666.

<sup>53</sup> *Id.*

<sup>54</sup> See A.R.S. § 16-941(A)(limiting the contributions that a Clean Elections candidate can accept); Arizona Administrative Code R2-20-104 (specifying that Clean Elections funding can be used for direct campaign purposes only).

<sup>55</sup> Section 16-661(B) prohibits automatic recounts in elections for precinct committeemen, school district governing boards, community college district governing boards, fire district boards or fire district chiefs or secretary-treasurers or boards of other special districts.



## APPENDIX

This appendix contains an election calendar with the critical dates that would have to be moved if Arizona's primary election is moved earlier in the election cycle. This calendar assumes the primary election is moved four weeks earlier or the "*twelfth* tuesday prior to a general or special election at which candidates for public office are to be elected." If this change were made prior to the 2006 federal elections, the primary would fall on August 15, 2006.

DATE	DATE IN STATUTE	EVENT	A.R.S. REFERENCE
1/1/2006	1-Jan	Voter Registration Report	16-168(G)
1/1/2006	1-Jan	Begin qualifying period for legislative candidates	16-961(B)3
1/1/2006	1-Jan	Begin filing Public Officers Annual Financial Disclosure Statement	38-542(D)
1/1/2006	1-Jan	Begin filing period for January 31 Report Campaign finance report - Report covers November 23, 2004 - December 31, 2005	16-913(C), 16-916(D)
1/1/2006	1-Jan	Begin filing period for January 31st Report - standing committee campaign finance report - Report covers January 1, 2005 - December 31, 2005	16-913(B)(C)(K), 16-916(D)
1/1/2006	1-Jan	Begin qualifying period for CCEC legislative candidates - January 1, 2006 through August 24, 2006,	16-961 (B)3
1/15/2006	15-Jan	Counties to provide Nov. 1 voter registration numbers to SOS to calculate political party status (Oct. 1 stats to be used in year of PPE)	16-804(C), 16-244(B)
1/31/2006	31-Jan	Deadline for Public Officers to file Annual Financial Disclosure Statement	38-542(D)
1/31/2006	31-Jan	Deadline for filing of January 31st Report - campaign finance report - Report covers November 23, 2004 - December 31, 2005	16-913(C), 16-916(D)
1/31/2006	31-Jan	Deadline for filing of January 31st Report - standing committee campaign finance report - Report covers January 1, 2005 - December 31, 2005	16-913(B)(C)(K), 16-916(D)
2/1/2006	1-Feb	Determine Political Parties entitled to continued ballot representation	16-804(C)
2/1/2006	Beginning of February	Begin meetings with SPO	**
2/1/2006	1-Feb	Begin bid process for printing publicity pamphlet	**
2/1/2006	1-Feb	Begin entering text of ballot measures	**
2/1/2006	1-Feb	Begin work with Spanish Translator for Ballot	**

		Measures	
3/1/2006	1-Mar	Place voters in new precincts	16-412
3/1/2006	1-Mar	Voter Registration Report	16-168(G)
3/1/2006	1-Mar	Calculate candidate signature requirements	16-168(G), 16-322(B)
2/16/2006	PE-180	Last day to file New Party Petitions for Primary Election to County Recorder	16-803(B)
2/16/2006	PE-180	Notice of election sent out by the Board of Supervisors for September Primary Election	16-205
3/28/2006	PE-140	Last day to file New Party Petitions for Primary Election to SOS	16-803
5/1/2006	1-May	Assign Proposition Numbers to Referenda sent by legislature / Begin Spanish translations	**
5/6/2006	6-May	Begin drafting Yes/No & descriptive title language	**
4/17/2006	PE-120	Send notice of offices up for election	16-202
4/17/2006	PE-120	Begin to accept partisan primary candidate nomination petitions and papers	16-311,16-314, 16-905, 38-541
4/17/2006	PE-120	Begin to accept "nomination other than by primary" and "Independent" candidate nomination petitions and papers	16-341
5/7/2006	PE-100	Order ballot cards for primary election	16-508*
6/1/2006	1-Jun	Begin filing period for June 30 Report - standing committee campaign finance report - Report covers January 1, 2006 - May 31, 2006	16-913(B)(C)(K), 16-916(D)
6/1/2006	1-Jun	Begin filing period for June 30 Report - Campaign finance report covering January 1, 2006 - May 31, 2006	16-913(B)(C)(K), 16-916(D)
5/14/2006	PE-93	Begin to accept requests for early ballot. Uniformed services voters or overseas voters can request ballots and special write-in early ballots before this date.	16-542(A)(B) 16-543.01
5/14/2006	PE-93	Begin to accept requests for assistance by special election board due to "continuing" illness	16-549*
5/17/2006	PE-90	Accept lists submitted by party chairmen of election board nominees	16-531(A)
5/17/2006	PE-90	Deadline for partisan primary candidate nomination petitions and papers	16-311,16-314, 16-905, 38-541
5/17/2006	PE-90	Deadline for accepting "nomination other than by primary" candidate filing nomination petitions and papers	16-341
5/27/2006	PE-80	Post lists of polling places for all precincts including polling place changes submitted to DOJ	16-411(G)

5/31/2006	PE-76	Deadline for challenges to nomination petitions	16-351
6/1/2006	PE-75	Start preparation of submission to U.S. Justice Department of changes	**
6/8/2006	PE-68	Deadline for CCEC Candidates to present list of persons who made qualifying contributions and original reporting slips to Secretary of State	16-950(B)
6/30/2006	30-Jun	Deadline for filing of June 30 Report - standing committee campaign finance report - Report covers January 1, 2006 - May 31, 2006	16-913(B)(C)(K), 16-916(D)
6/30/2006	30-Jun	Deadline for filing of June 30 Report - Campaign finance report - Report covers January 1, 2006 - May 31, 2006	16-913(B)(C)(K), 16-916(D)
6/14/2006	(PE-9 weeks) +1 day	Primary election period begins	16-961(B)(4)
6/14/2006	(PE-9 weeks) +1 day	Clean Election Commission payment to candidates	16-951(A)
6/16/2006	PE-60	Deadline for arguments filed for or against initiative measures or constitutional amendments / Leg. Council Analysis / JLBC Economic Impact Summaries	19-124(A)(B) 19-123(A)6
6/16/2006	PE-60	Send Yes/No and Descriptive Titles to Spanish and Navajo Translators	**
6/16/2006	PE-60	Accept lists of nominees for special election boards from the party chairmen	16-549
6/16/2006	PE-60	Mail certified lists of all candidates qualified for primary ballot to recorders to send with special write-in early ballots	16-543(01)(C)
6/16/2006	PE-60	Order parts for voting devices	**
6/16/2006	PE-60	Send Judges and Justices retention forms	**
7/15/2006	15-Jul	Receive registered voter data from 15 counties	**
6/26/2006	PE-50	Prepare instruction materials and supplies for classes of instruction	16-532*
6/28/2006	PE-48	Layout ballot pages and master rotation list if rotation is required	16-464*
6/30/2006	PE-46	Allocate voting devices to precincts	16-447*
7/1/2006	PE-45	Begin instruction classes for precinct election boards	16-532
7/1/2006	PE-45	Print election board inspectors' instructions and check list	**
7/1/2006	PE-45	Prepare proof of sample ballots and submit to each party county chairmen; mail copy to each candidate; post copy of proof sample ballot in	16-461

		office	
7/2/2006	PE-44	Order ballot cards for general election	16-508*
7/6/2006	PE-40	Accept suggestions from party chairmen on changes needed due to error or omission in ballot	16-461
7/6/2006	PE-40	Print sample ballots	16-461
7/6/2006	PE-40	Deadline for write-in candidate nomination papers for primary election	16-312
7/10/2006	PE-36	Have Styrofoam backers for early ballots	**
7/13/2006	PE-33	Print early ballots and deliver to county recorder	16-503, 16-545
7/13/2006	PE-33	Print instructions and envelopes needed for early voting	16-544(B)(2)*, 16-547*
7/13/2006	PE-33	Print ballots and ballot labels	16-505, 16-545, 16-466, 16-503
7/13/2006	PE-33	Begin to accept ballots from early voters for Primary Election	16-545
7/13/2006	PE-33	Appoint special election boards	16-549
7/14/2006	PE-32	Accept list submitted from party chairmen of party election observers	16-590*
7/14/2006	PE-32	Designate location for central counting place boards, precinct boards, early boards data processing boards and receiving center boards	16-532*
7/17/2006	PE-29	Close voter registration for primary election at midnight	16-120
7/17/2006	PE-29	Voter Registration Report	16-168(G)
7/17/2006	PE-29	Designate location for receiving centers, central counting place, computer center and early processing center	16-532*, 16-551*
7/21/2006	PE-25	Lay out floor space for receiving center, central counting place, computer center, and early processing center	**
7/21/2006	PE-25	Print official and unofficial return envelopes	16-511*, 16-615*, 16-616*
7/21/2006	PE-25	Print poll lists and instructions to voter signs	16-511*, 16-513*
7/21/2006	PE-25	Ballot labels ready for voting devices	16-505*, 16-466*
7/21/2006	PE-25	Print challenge lists and payroll vouchers	16-536*, 16-594*
7/21/2006	PE-25	Print "no smoking," "vote here," "seventy-five foot limit", "arrow," and "right to vote a provisional ballot" signs	16-513(01)*, 16-515*, 16-563(2)*
7/21/2006	PE-25	Print duplicate ballot report forms	16-608*

7/24/2006	PE-22	Check precinct supplies	16-404*, 16-405*, 16-426*, 16-447*, 16-511-515*
7/25/2006	PE-21	Deliver complete copies of precinct registers to party county chairmen and state chairmen	16-168
7/26/2006	PE-20	Designate polling places except for special district mail ballot elections	16-411(B)
7/26/2006	PE-20	Appoint all election boards	16-531, 16-535, 16-551
7/26/2006	PE-20	End pre-primary election reporting period for campaign finance reports	16-913(B)(2)
8/24/2006	GE-75	End of qualifying period	16-961(B)
8/24/2006	GE-75	Last day for Candidates to file application for certification for Clean Elections with Secretary of State	16-947(A)
7/27/2006	PE-19	Begin filing period for Pre-Primary Report - August 15, 2006 Primary Election - for standing committees - Report covers June 6, 2006 - July 26, 2006	16-913(B)(C)(K), 16-916(D)
8/24/2006	GE-75	End of qualifying period for CCEC statewide and legislative candidates	16-961(B)(3)
7/27/2006	PE-19	Begin filing period for Pre-Primary Report - August 15, 2006 Primary Election - Campaign finance report covering June 6, 2006 - July 26, 2006	16-913(B)(C)(K), 16-916(D)
7/28/2006	PE-18	Print log books and other forms for receiving center, central counting place, computer center and early ballot processing center	16-608*
7/28/2006	PE-18	Outline polling place support plan for election day	**
8/1/2006	PE-14	Mail notice to party county chairmen as to time and place when voting devices can be inspected	16-447(C)*
8/1/2006	PE-14	Deliver notice of write-in candidates filing nomination papers	16-312
8/1/2006	PE-14	File programs with SOS	16-445
8/1/2006	PE-14	Include list of eligible write-in candidates in supplies for precinct inspectors	16-312(C)
8/2/2006	PE-13	Include list of eligible write-in candidates in supplies for precinct inspectors	16-312
8/3/2006	PE-12	Deadline for filing of Pre-Primary Report - August 15, 2006 Primary Election - for standing committees - Report covers June 6, 2006 - July 26, 2006	16-913(B)(C)(K), 16-916(D)

8/3/2006	PE-12	Deadline for filing of Pre-Primary Report - August 15, 2006 Primary Election - Campaign finance report covering June 6, 2006 - July 26, 2006	16-913(B)(C)(K), 16-916(D)
8/4/2006	PE-11	Deadline for requests for assistance by special election boards due to "continuing" illness	16-549
8/4/2006	PE-11	Deadline for requests for early ballot	16-542(D)
8/4/2006	PE-11	Mail sample ballots	16-461
8/5/2006	PE-10	Assemble precinct kits, supplies and materials	16-404* 16-405*, 16-426*, 16-447*, 16-511-515*
8/5/2006	PE-10	Begin to accept requests for assistance by special board due to "unanticipated" illness	16-542, 16-549
8/5/2006	PE-10	Begin to accept requests for early ballots from voters prevented from voting at polls due to an emergency	16-542(F)
8/5/2006	PE-10	Prepare precinct registers	16-168
8/5/2006	PE-10	Provide the names of electors on the inactive voter list to each precinct	16-583*
8/7/2006	PE-8	Assemble voting devices, punch masks, crimp pages	**
8/8/2006	PE-7	Perform logic and accuracy tests - notify public 48 hours in advance	16-449
8/8/2006	PE-7	Complete plans for transfer to alternate computer facility	**
8/8/2006	PE-7	Complete ballot and supply dispersal plan	16-509*
8/8/2006	PE-7	Complete receiving center ballot card pick-up plan	**
9/2/2006	2-Sep	Receive Navajo translations from translator / send to vendor for duplication	**
9/2/2006	2-Sep	Provide registered voter mailing list data to printer	**
9/2/2006	2-Sep	Printer returns proofs to SOS (Spanish and large print)	**
8/13/2006	PE-2	If BOS fails to designate polling places, the justice of the peace may designate polling places	16-411(C)
8/13/2006	PE-2	Deliver ballots to inspectors	16-509
8/14/2006	PE-1	Complete instruction classes for precinct boards, early boards, receiving and central counting place boards and data processing board	16-532
8/14/2006	PE-1	Deliver polling place supplies	16-404, 16-447(D),

			16-511*
8/14/2006	PE-1	Complete post election supply and materials pick-up plan	**
8/14/2006	PE-1	Complete voter education program - public display of voting equipment	16-406
8/14/2006	PE-1	Deadline for requests for assistance by special board due to "unanticipated" illness	16-549(D)
8/14/2006	PE-1	Deadline for accepting ballots from those prevented from voting at the polls as a result of an emergency occurring between 5:00 p.m. the second Friday preceding the election and 5:00 p.m. Monday preceding the election	16-542(F)
8/14/2006	PE-1	Deliver list of all persons who were issued early ballots to precinct inspectors	16-550(C)
8/14/2006	PE-1	Deliver list of qualified write-in candidates to inspector to be posted election day	16-312*
8/15/2006	PE	August 15, 2006 Primary Election	16-201
8/15/2006	PE	Continue delivery of early ballots to early boards until 7:00 p.m.	16-551(C)
8/15/2006	PE	Last date for members of U.S. service and family residing outside AZ to register for primary election	16-103
8/16/2006	PE+1	Candidates to return monies above sufficient to pay unpaid bills during primary period	16-953(A)
8/16/2006	PE+1	General election period begins	16-961(B)(5)
8/16/2006	PE+1	Clean Election Commission payment to candidates	16-951(C)
8/21/2006	PE+6	Deadline to hear early ballot challenges	16-552(E)
8/21/2006	PE+6	Canvass returns; declare nominated candidates	16-642, 16-645
8/21/2006	PE+6	Deliver certificate of nomination	16-645
8/22/2006	PE+5 business days	Process new residence ballots and provisional ballots	16-135, 16-584(E)
8/25/2006	PE+10	Last day to meet and canvass returns; declare nominated candidates	16-642, 16-645
8/25/2006	PE+10	Deliver canvass to SOS	16-645
8/28/2006	PE+13	OFFICIAL CANVASS OF PRIMARY ELECTION Canvass returns of all offices or districts larger than a county or for members of the legislature - issue certificate of nomination	16-645
8/31/2006	PE+16	Voting devices may be unsealed	16-428
9/4/2006	PE+20	End Post-Primary Election reporting period for campaign finance reports	16-913(B)(3)
9/5/2006	PE+21	Begin filing period for Post-Primary Report - August 15, 2006 Primary Election - for	16-913(B)(C)(K),

		standing committees - Report covers July 27, 2006 - September 4, 2006	16-916(D)
9/5/2006	PE+21	Begin filing period for Post-Primary Report - August 15, 2006 Primary Election - Campaign finance report covers July 27, 2006 - September 4, 2006	16-913(B)(C)(K), 16-916(D)
9/14/2006	PE+30	Deadline for filing of Post-Primary Report - August 15, 2006 Primary Election - for standing committees - Report covers July 27, 2006 - September 4, 2006	16-913(B)(C)(K), 16-916(D)
9/14/2006	PE+30	Deadline for filing of Post-Primary Report - August 15, 2006 Primary Election - Campaign finance report covers July 27, 2006 - September 4, 2006	16-913(B)(C)(K), 16-916(D)
9/14/2006	PE+30	Candidates shall pay uncontested / unpaid bills primary election	16-953(C)
10/19/2006	GE-19	Begin filing period for Pre-General Report - November 7, 2006 General Election - for standing committees - Report covers September 5, 2006 - October 18, 2006	16-913(B)(C)(K), 16-916(D)
10/19/2006	GE-19	Begin filing period for Pre-General Report - November 7, 2006 General Election - Campaign finance report covering September 5, 2006 - October 18, 2006	16-913(B)(C)(K), 16-916(D)
11/7/2006	GE	November 7, 2006 General Election	16-211
11/8/2006	GE+1	Candidates to return monies above sufficient to pay unpaid bills during general election period	16-953(B)
11/28/2006	GE+21	Begin filing period for Post-General Report - November 7, 2006 General Election - for standing committees - Report covers October 19, 2006 - November 27, 2006	16-913(B)(C)(K), 16-916(D)
11/28/2006	GE+21	Begin filing period for Post-General Report - November 7, 2006 General Election - Campaign finance report covers October 19, 2006 - November 27, 2006	16-913(B)(C)(K), 16-916(D)
12/7/2006	GE+30	Deadline for filing of Post-General Report - November 7, 2006 General Election - for standing committees - Report covers October 19, 2006 - November 27, 2006	16-913(B)(C)(K), 316-916(D)
12/7/2006	GE+30	Deadline for filing of Post-General Report - November 7, 2006 General Election - Campaign finance report covers October 19, 2006 - November 27, 2006	16-913(B)(C)(K), 16-916(D)
12/7/2006	GE+30	Candidates shall pay uncontested / unpaid bills from the general election	16-953(C)